

IC 13-30-2

Chapter 2. Prohibited Acts

IC 13-30-2-1

Specific acts prohibited

Sec. 1. A person may not do any of the following:

(1) Discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into:

(A) the environment; or

(B) any publicly owned treatment works;

in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the appropriate board under the environmental management laws.

(2) Increase the quantity or strength of a discharge of contaminants into the waters or construct or install a sewer or sewage treatment facility or a new outlet for contaminants into the waters of Indiana without prior approval of the department.

(3) Deposit any contaminants upon the land in a place and manner that creates or would create a pollution hazard that violates or would violate a rule adopted by one (1) of the boards.

(4) Deposit or cause or allow the deposit of any contaminants or solid waste upon the land, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the solid waste management board.

(5) Dump or cause or allow the open dumping of garbage or of any other solid waste in violation of rules adopted by the solid waste management board.

(6) Dispose of solid waste in, upon, or within the limits of or adjacent to a public highway, state park, state nature preserve, or recreation area or in or immediately adjacent to a lake or stream, except:

(A) in proper containers provided for sanitary storage of the solid waste; or

(B) as a part of a sanitary landfill operation or other land disposal method approved by the department.

(7) Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may:

(A) cause or contribute to pollution; or

(B) be designed to prevent pollution.

However, the commissioner or the appropriate board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control.

(8) Conduct any salvage operation or open dump by open burning or burn, cause, or allow the burning of any solid waste

in a manner that violates either:

(A) the air pollution control laws; or

(B) the rules adopted by the air pollution control board.

(9) Commence construction of a proposed hazardous waste facility without having first:

(A) filed an application for; and

(B) received;

a permit from the department.

(10) Commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

(11) Deliver any hazardous waste to a hazardous waste facility that:

(A) is not approved; or

(B) does not hold a permit from the department.

(12) Cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

(13) Violate any:

(A) condition;

(B) limitation; or

(C) stipulation;

placed upon a certificate of environmental compatibility by the hazardous waste facility site approval authority or any other provision of IC 13-22-10.

(14) Apply or allow the application of used oil to any ground surface, except for purposes of treatment in accordance with a permit issued by the department under any of the following:

(A) IC 13-15, except IC 13-15-9.

(B) IC 13-17-11.

(C) IC 13-18-18.

(D) IC 13-20-1.

(15) Commence construction of a solid waste incinerator without first obtaining a permit from the department under IC 13-20-8.

(16) Commence operation of a solid waste incinerator without first obtaining the approval of the department under IC 13-20-8.

As added by P.L.1-1996, SEC.20.

IC 13-30-2-2

Offer to provide service or allocate sewer tap without capacity to do so; liability

Sec. 2. (a) A person, excluding a municipality, who owns or operates a water pollution treatment or control facility or sanitary sewer may not offer to provide service or allocate a sewer tap to a person without:

(1) having the capacity to provide the service or allocation; and

(2) reserving the capacity to provide the service or allocation;

to the property owner to whom the offer or allocation was made.

(b) A person who violates subsection (a) who:

(1) issued a written letter of intent or commitment to provide

service or allocate a sewer tap to a property owner;

(2) failed to reserve the capacity to provide the service or tap;
and

(3) as a result of failing to reserve that capacity, adversely affected the value of property of a property owner to whom the letter of intent was issued;

is liable for damages to the property owner.

(c) In an action brought by a property owner under this section, the damages are equal to the value of the property as the property would have appreciated in value but for the failure of the property to have been provided sewer service or a sewer tap.

(d) Notwithstanding IC 34-11-1-2, a property owner who has a continuing claim under this section may assert that claim until May 15, 1997.

As added by P.L.1-1996, SEC.20. Amended by P.L.1-1998, SEC.107.